

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LARRY GENE MOORE,

Petitioner,

v.

JANE PARNELL,

Respondent.

NO. CV-09-5021-JPH

**ORDER DENYING MOTION  
FOR RECONSIDERATION**

On September 4, 2009, the Court entered an Order Adopting Report and Recommendation to Deny Writ of Habeas Corpus (Ct. Rec. 19). On September 15, 2009, Petitioner filed Objection to Senior Judge's Report and Recommendation, which the Court construed as a Motion for Reconsideration (Ct. Rec. 21).

In his Motion, Petitioner asserts that the information was not filed in a timely manner. Magistrate Hutton concluded that this claim was not properly exhausted and failed on the merits. Petitioner has not demonstrated that this was in clear error.

Accordingly, **IT IS HEREBY ORDERED:**

1. Petitioner's Motion for Reconsideration (Ct. Rec. 21) is **DENIED**.

2. The Court declines to issue a certificate of appealability on the issues raised in Petitioner's habeas petition. For the reasons stated in Magistrate Hutton's Report and Recommendations, the Court sees no arguable points raised by Petitioner that satisfies the standard for issuing a certificate of appealability.

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**IT IS SO ORDERED.** The District Court Executive is directed to enter this

1 Order and forward copies to counsel.

2 **DATED** this 11<sup>th</sup> day of December, 2009.

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4 *s/Robert H. Whaley*  
5 **ROBERT H. WHALEY**  
6 United States District Judge  
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